

JAMES TONEY,)
)
Plaintiff,)
)
vs.) Case No. 4:10-CV-2056-JAR
)
MICHAEL HAKALA, et al.,)
)
Defendants.)

This matter is before the Court on Plaintiff's Motion to Compel and Request for Expenses and Sanctions [ECF No. 139]. Plaintiff requests an order compelling Defendants to make "complete" disclosure of his medical records and respond to his Request for Production of Documents. Plaintiff also requests the Court order Defendants to pay him \$75 to cover his expenses incurred in connection with the motion to compel and impose sanctions on Defendants for failing to comply with this Court's order of April 30, 2012. In response, Defendants state they have complied with the Court's April 30, 2012 Order by serving Plaintiff with Amended Initial Disclosures on May 15, 2012 (Doc. No. 139-1). Defendants further state a request for updated records from Plaintiff's prison medical file was made as recently as April 30, 2012, and will be supplemented upon receipt. (Id., p.4) Defendants argue Plaintiff has not specifically identified the deficiencies in Defendants' responses, except to claim that the responses are evasive. Moreover, Defendants note that Plaintiff has never served them with a Request for Production of Documents.¹ Plaintiff has not filed a reply.

¹Plaintiff served Defendants with six sets of Interrogatories and six sets of Requests for Admission.

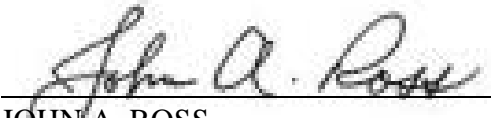
In its April 30, 2012 Order, the Court found Defendants' initial Rule 26(a)(1) disclosures did not provide Plaintiff with the names or contact information of those individuals Defendants might use to support its claims or defenses. Defendants' Amended Initial Disclosures now identify by name each individual Defendants claim have knowledge of facts giving rise to Plaintiff's claims. With respect to Plaintiff's medical records, Defendants have acknowledged their continuing obligation to supplement their disclosures pursuant to Rule 26(e)(1).

Federal Rule of Civil Procedure 37 authorizes district courts to impose sanctions upon parties who fail to comply with discovery orders. In this case, however, Defendants have complied with their discovery obligations.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Compel and Request for Expenses and Sanctions [139] is **DENIED**.

Dated this 15th day of June, 2012.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE